

# Notice of Allowability

Application No.

09/997,845

Examiner

Kibrom K. Gebresilassie

Applicant(s)

GABELE ET AL.

Art Unit

2128

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/03/2006.
2. ☒ The allowed claim(s) is/are 1,5-7,11-13,17 and 18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 04/11/06 & 4/19/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
PRIMARY EXAMINER

### **DETAILED ACTION**

1. Claims 1, 5-7, 11-13, 17, and 18 have been presented for examination based on the amendment filed on April 03, 2006 and subsequent amendment faxed to examiner on April 20, 2006.

#### ***Response to Arguments***

2. Applicant's arguments filed April 03, 2006 have been fully considered and found to be persuasive.

Regarding applicant's amendment to the specifications: The correction made for some minor errors to the specification by applicants has been considered.

Regarding proposed drawing changes: Applicant's proposed drawing changes have been approved by the examiner pending review by the draftsman.

Regarding applicant's response to 35 USC 102(e) rejections: The examiner withdraws the 102(e) rejection in view of applicants' amendment to the claims and supporting arguments filed on April 03, 2006 and subsequent amendment faxed to examiner on April 20, 2006.

#### ***Allowable Subject Matter***

3. Claims 1, 7, and 13 are allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance:

Applicants are disclosing a method and system for executing a current testcase on the simulation model, and comparing said identified harvest events with harvest events recorded within the local copy of said master harvest hit table to determine whether the identified harvest event have been previously recorded in association with

the simulation model. These have been disclosed in the prior art of record (See US Patent No. 6,560,721 issued to Boardman: Col. 6 lines 21-23, and Col. 6 lines 26-35).

While these elements are individually disclosed in the prior art, the prior art of record does not meet the conditions as suggested in MPEP section 2132, namely: "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an **ipsissimis verbis** test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)."

In this case the prior art of record does not disclose the specific combination of system elements or sequence of method steps as now recited in independent claim 1, 7, and 13. In particular, the examiner notes that while features such as executing a current testcase on the simulation model, and comparing said identified harvest events with harvest events recorded within the local copy of said master harvest hit table to determine whether the identified harvest event have been previously recorded in association with the simulation model are disclosed in the prior art of record, these features are not explicitly disclosed or rendered obvious as being **in combination with resolving a testcase inconsistencies between testcase bucket and master harvest hit table by the sequence of: identifying one or more testcases recorded within said master harvest table but not within testcase bucket, removing harvest event entries containing the identified one or more testcases from master harvest hit table, and determining that one or more testcases are recorded within said testcase bucket but not within said**

master harvest hit table, removing the one or more testcases recorded within said testcase bucket but not within said master harvest hit table from said testcase bucket as now recited in independent claims 1, 7, and 13.

US Patent No. 6,560,721 issued to Boardman: discloses test harness communicates with the second computer system in order to request the suite of testcase to execute on system and comparing the list of testcase names contained within excluded list to determine with ones match the testcases contained within the testcase suite and those that match are disregarded (See US Patent No. 6,560,721 issued to Boardman: Col. 6 lines 21-23, and Col. 6 lines 26-35). However, Boardman does not explicitly disclose these elements as being in combination with the recording current testcase within testcase bucket, updating master harvest hit table with said one or more of said identified harvest event that do not match harvest events recorded in said master harvest event table, and resolving a testcase inconsistencies between testcase bucket and master harvest hit table by the sequence of: identifying one or more testcases recorded within said master harvest table but not within testcase bucket, removing harvest event entries containing the identified one or more testcases from master harvest hit table, and determining that one or more testcases are recorded within said testcase bucket but not within said master harvest hit table, removing the one or more testcases recorded within said testcase bucket but not within said master harvest hit table from said testcase bucket as now recited in independent claims 1, 7, and 13.

The features noted above relating to the specific combination of elements and sequence of method steps renders the claimed invention non-obvious over the prior art of record. Dependent claims 5, 6, 11, 12, 17, and 18 are deemed allowable as depending from independent claims 1, 7, and 13 respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

1. Any inquiring concerning this communication or earlier communication from the examiner should be directed to Kibrom K. Gebresilassie whose telephone number is (571) 272-8571. The examiner can normally be reached on Monday-Friday, 8:30 am to 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Kamini shah can be reached at (571) 272-2279. The official fax number is (571) 273-8300. Any inquiring of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is (571) 272-3700.

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*Kibrom K. Gebresilassie*  
PRIMARY EXAMINER